

REMARKS/ARGUMENTS

Applicants wish to thank the Examiner for the careful review of the IDS, claims, specification, and drawings.

Claims

Claim 1 has been amended.

After entry of this amendment, claims 1-18 are pending

It is respectfully submitted that each and every feature recited in the pending claims is fully supported in the specification, drawings, and claims as filed. No new subject matter has been added.

Rejections under 35 USC § 101

The Office Action argues that claim 1-18, method claims, are rejected under 35 U.S.C. §101 because, in order to comply with §101 a process/method must (1) be tied to a particular machine or apparatus, or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. The Office Action also states that to qualify as a § 101 statutory process, the claim(s) should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Claim 1 has been amended with support from, for example, paragraph [0038] in this application to clarify that the method steps are accomplished using a computer which includes hardware and software, thereby identifying the computer as the apparatus that accomplishes the method steps.

No new subject matter has been added.

Rejections under 35 USC § 103

The Office Action argues that claims 1-7, 9, 13, 14, 17, and 18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Nafeh et al. (USPub. No. 2002/0069155), hereinafter “Nafeh,” in view of Hunt et al. (US Patent No. 5,724,524), hereinafter “Hunt”, in further view of Metcalfe et al. (US Pub. No. 2002/0138290), hereinafter “Metcalfe”.

The Office Action also argues that claim 8 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Nafeh in view of Hunt in further view of Metcalfe in view of in further view of Vergottis ("An Econometric model of the world shipping markets", The City University, London, United Kingdom, 1988, 448 pages; AAT DX88207).

The Office Action also argues that claims 10-12 and 16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Nafeh in view of Hunt in further view of Metcalfe in further view of Scheer (USPub. No. US 2002/0138358).

The Office Action also argues that claim 15 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Nafeh in view of Hunt in further view of Metcalfe in further view of Talluri (US Patent No. 6,263,315).

Applicants respectfully request reconsideration of the rejections. It is respectfully submitted that the previously presented claim 1 includes features, in the manner claimed, that are not disclosed by the cited references, including Nafeh, Hunt, Metcalfe, Vergottis, Scheer, and Talluri. For example, claim 1 includes the features, in the manner claimed, of satisfying the derivative purchase request (i.e., one derivative purchase request) with multiple separate derivative contracts (which include at least the first derivative contract and the second derivative contract).

The previous Office Action argues that Examiner interprets Hunt's combination of categories as inclusive of Applicant's first and second modes of transportation. However, even if Hunt's combination of categories is interpreted as inclusive of Applicant's first and second modes of transportation, Hunt does not teach satisfying a derivative purchase request with multiple separate derivative contracts.

Hunt teaches that the broad characteristics of the derivatives would comprise a Shipping Equivalent Unit, or SEU, and that the SEU comprises a contract length, a contract price, etc. (Col. 3, Lines 17-55). In other words, Hunt teaches combining categories (which the Examiner interprets as inclusive of transportation modes) into one single contract having a signal contract length and a single contract price. Hunt teaches a single contract having a signal contract length and a single contract price. Hunt's structure is not capable of satisfying a derivative purchase request with multiple separate derivative contracts for different transportation modes in the manner claimed in claim 1.

The present Office Action acknowledges that Hunt may not explicitly disclose satisfying a derivative purchase request with multiple separate derivative contracts. However, the Office

Action argues that Nafeh teaches enabling transactions relating to individual futures contracts, each of which are traded in an individual market and that owners of contracts may place limit orders to sell one or more contracts. As can be appreciated from Nafeh's teachings, Nafeh also does not disclose satisfying a derivative purchase request with multiple separate derivative contracts in the manner claimed in claim 1. Combining the teachings of Hunt and Nafeh does not result in satisfying a derivative purchase request with multiple separate derivative contracts in the manner claimed in claim 1.

Metcalfe, Vergottis, Scheer, and Talluri do not cure the deficiencies of Hunt and Nafeh such as those discussed above.

Claim 1 also includes other features, in the manner claimed, that are not disclosed by the cited references, including Nafeh, Hunt, Metcalfe, Vergottis, and Scheer. For example, claim 1 includes the step/features, in the manner claimed, of receiving information restriction requirements from at least a participant, wherein the information restriction requirements limit a first specified information set to a first specified recipient set, wherein the first specified information set including at least one of shipment data and shipment forecast data.

In contrast, the cited references do not disclosed the abovementioned example features in the manner claimed in claim 1. The Office Action acknowledges that Nafeh and Hunt do not explicitly disclose the abovementioned example features in the manner claimed in claim 1.

However, the Office Action argues that Metcalfe discloses filters which may control access to specific data (e.g., purchase and delivery orders) and direct users to specific data by exploiting the user defined attributes created in organizing and defining purchase and delivery orders. The Office Action also argues that Metcalfe discloses restricting a supplier's access to only those purchase orders that are meant for that supplier by using such filters. The Office Action also argues that Examiner interprets supplier as analogous to Applicant's shipper. Metcalfe also discloses that several issues related to the tracking, updating and sharing of information relating to purchasing transactions makes such tasks at times vastly complex. Metcalfe also discloses that it may be undesirable for a freight forwarder to have access to edit certain purchasing transaction information in advance of the freight forwarder receiving the requested goods.

As can be appreciated from Metcalfe's disclosure, Metcalfe teaches controlling access to purchasing transaction information, including information of purchase and delivery orders. Metcalfe does not disclose limiting the recipients of at least one of shipment data and shipment

forecast data in the manner claimed in claim 1. Metcalfe's purchasing transaction information (e.g., information of purchase and delivery orders) does not include shipment data in the manner claimed in claim 1 and does not include shipment forecast data in the manner claimed in claim 1.

In addition, Metcalfe does not disclose receiving information restriction requirements from at least a participant. Metcalfe only discloses that a participant's access to purchasing transaction information is controlled.

Vergottis, Scheer, and Talluri do not cure the deficiencies of Hunt, Nafeh, and Metcalfe such as those discussed above.

For the aforementioned reasons and others, it is respectfully submitted that the independent claim 1 is novel, non-obvious, and patentable over the cited references, taken alone or in combination.

The dependent claims also include features, in the manner claimed, that are not disclosed in the cited references. For example, claim 2 includes the features, in the manner claimed, of limiting the shipment data and/or the shipment forecast data in the first specified information set to at least one of a specified shipment lane, a specified location, a specified shipment mode, and a specified time period.

In contrast, the cited references do not disclose the abovementioned features in the manner claimed in claim 2. The Office Action states Examiner notes that specific shipment lanes, a specified locations, and specified shipment modes are not disclosed by Metcalfe. However, the Office Action argues that it would have been obvious to one having ordinary skill in the art at the time of the invention to apply these parameters to Metcalfe's disclosure because supply chain monitoring involves these parameters. It is respectfully submitted that supply chain monitoring does not necessarily involve the abovementioned parameters. It is also respectfully submitted that Metcalfe discloses only purchasing transaction information (e.g., information of purchase and delivery orders), but does not disclose shipment data or shipment forecast data. Therefore, even if the parameters are applied to Metcalfe's disclosure, the combination of the parameters and Metcalfe's disclosure does not result in the abovementioned features in the manner claimed in claim 2.

Claim 2 also includes the features, in the manner claimed, that the participant (from whom the information restriction requirements are received) is a shipper and that the first specified recipient set (having access to the first specified information set including shipment data and/or shipment forecast data) includes a forwarder.

In contrast, Metcalfe does not disclose receiving information restriction requirements from a shipper/supplier in the manner claimed in claim 2. In addition, Metcalfe discloses that it may be undesirable for a freight forwarder to have access to edit certain purchasing transaction information in advance of the freight forwarder receiving the requested goods; Metcalfe does not disclose that a recipient set having access to shipment data and/or shipment forecast data includes a forwarder in the manner claimed in claim 2.

As another example, claim 3 includes the features, in the manner claimed, of providing location-specific shipment forecast data to forwarders and preventing shippers from viewing the location-specific shipment forecast data.

In contrast, the cited references do not disclose the abovementioned features in the manner claimed in claim 3. The Office Action argues that claim 3 is rejected as discussed in the rejection of claim 1. However, Metcalfe does not disclose shipment forecast data; in particular, Metcalfe does not disclose location-specific shipment forecast data in the manner claimed in claim 3.

Vergottis, Scheer, and Talluri do not cure the deficiencies of Hunt, Nafeh, and Metcalfe such as those discussed above.

It is respectfully submitted that claims 2-18 which depend from claim 1 also are novel, nonobvious, and patentable not only due to their dependence from the patentable parent claim 1 but also due to their recitation of independently patentable features.

No new subject matter has been added.

CONCLUSION

In view of the discussion herein, Applicant(s) believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at 408-213-9540.

Applicant Petitions for two (2) month Extension of Time. Enclosed is our Credit Card Payment Form for \$245.00 in payment of the two (2) month Extension of Time fee. However, the Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-2284 (Order No. FFRT-P001).

Respectfully submitted,
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